

DURVEA SUE
FOR BOARD BILL.

Starch Millionaire's
Son Refuses to Pay
for Wife.

SAYS SHE DESERTED HIM.

Resists Suit of Owners of
Park Avenue Hotel, Where
She Lived.

The suit of Endorse Barnett and Frederick Austin Reed against Chester E. Durvea was today put on the calendar of preferred or "short" causes by Justice O'Gorman, of the Supreme Court. This was done on Francis L. Wellman's motion in spite of the protests of the lawyers for the action of the starch millionaire that it would take two days, not two hours, to try it.

"Reed," said Mr. Man, "Mr. Durvea is and has been for a long time a resident of Sioux City, Ia., and the action should be brought there, not here."

Barnett & Reed are proprietors of the Park Avenue Hotel, and this suit is for \$25.00 for board and extras supplied to Durvea's wife, Nina Larre Durvea, after their separation from Oct. 15 to Nov. 12, 1901.

A bill is attached to the complaint and marked "Exhibit A," as follows:

To board and extras supplied to Nina Larre Durvea, wife of Chester E. Durvea, from Oct. 15 to Nov. 12, 1901.

The complaint sets forth that Mrs. Durvea, her child and nurse were at the Park Avenue Hotel during those five weeks in 1901, and that Durvea has refused payment.

Durvea's answer is that his wife "abandoned him, as the plaintiffs very well knew, and had due notice, on or before Oct. 15, 1901," and that, therefore, he is not responsible for her bills.

Young Durvea is the son of Gen. Hiram Durvea. His wife was the daughter of Franklin Waldo Smith, of Boston. They were married in 1896, quarreled in the honeymoon and separated two or three times. Finally, after an experience in Gen. Durvea's camp last summer, in which, according to the affidavit of that gifted author, Ledia Wetherpoon, now the wife of Col. Asner, of the British Army, at Cairo, Egypt, Chester E. Durvea, with his sister-in-law, Mrs. Harry H. Durvea, and Mrs. Don Barber.

Conduct of War in Samar to Be Examined—
Ex-Lieutenant Tells of Tortures.

MANTILA, April 21.—A court-martial has been ordered for the trial of Jacob H. Smith, who was in command of the United States troops on the island of Samar.

"Consists of Gens. Lloyd Wheaton, Samuel S. Sumner, James M. Bell and William H. H. Smith, and Lieut. Chambers McKibbin, William A. Hafferty, William E. Dougherty, Alfred C. Markley and Jesse M. Lee.

The Judge-Advocate is Major Harvey C. Carbaugh.

Col. Charles A. Woodruff will appear for the defense.

The technical charge brought against Gen. Smith is conduct prejudicial to good order and discipline. The trial will be opened Thursday.

In reality the statements of Major Walter concerning the orders given him by Gen. Smith are the basis of the charges. Major Walter is alleged to have said Gen. Smith told him to kill and burn in Samar. When Walter asked for an army limit he was told, it is alleged, "to kill everything over ten."

EX-LIEUT. DESCRIBES
PHILIPPINE TORTURES.

WASHINGTON, April 21.—The Senate Committee on the Philippines to-day resumed the examination of witnesses in connection with the investigation of affairs in the Philippine Islands. Grover Flint, of Cambridge, Mass., who

Justice Keogh in Granting Decree to Mrs. Minnie C. Hall Denies Giving Order for Secrecy.

WHITE PLAINS, N. Y., April 21.—Supreme Court Justice Keogh to-day granted a decree of absolute divorce to Mrs. Minnie C. Hall, of New Rochelle, from her husband, Pierre C. Hall, son of the late Thomas G. Hall, the millionaire tobacco manufacturer, of New York.

The defendant, who inherited much of

LAWYER SUICIDE
FEARED MADNESS

Sutton Calls Friends
to Hotel, Where
He Dies.

THEY CAME TOO LATE.

After Bachelor Dinner of
Friend Young Man Is
Morose.

After writing letters to four young men who are to act as ushers at the wedding of his cousin to-morrow, announcing that he was going to end it all, Joseph Holden Sutton, managing clerk for the law firm of Holla, Wagner & Burghard, No. 20 Broadway, shot and killed himself in the Hotel Manhattan last night.

The young man sent no notice of warning to his old father, the Rev. Dr. J. Ford Sutton, with whom he lived in Audubon Park, on the upper west side.

Only those who were to participate in the wedding of this cousin to a young woman whom Sutton is said to have known well were told of his plan to die, and that too late for them to interfere.

The cousin who is to be married is named Kingsbury. On Saturday night he gave a farewell bachelor dinner to his friends. Young Sutton was there. He did not go home that evening. If anything, happened at the dinner which had a bearing on his suicide and led him to notify his cousin's friends rather than his own of his determination to kill himself.

The dinner is said to have been given at the Hotel Majestic. Young Sutton was very morose all through it. He kept talking about his failure in life and said that he would never amount to anything.

His friends think that the thought of his cousin about to wed happily contrasted with his own loneliness made him morose. He is reported to have had a love affair several years ago which affected him deeply.

Sutton went to the hotel at 1 o'clock. He left his room about 7 o'clock and went to dinner.

Seemed Moody Then.
It was noticed that he seemed moody. He sat at the table until 9 o'clock.

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AFTER MEN WHO
DRUGGED GIRL.

Arrest Expected in Case
of Marietta Odell,
Factory Belle.

MET STRANGERS ON WHEEL.

Died in Agony, and Case Is
Like that of Jennie
Bosschietter.

An arrest is expected within twenty-four hours in connection with the death of Marietta Odell, a beautiful nineteen-year-old girl, who worked in the Glanetti Silk Mills at Pompton Lake, N. J. She is believed by the Passaic County authorities to have met a fate similar to that of Jennie Bosschietter.

The girl died in fearful agony after returning at midnight Friday from a bicycle ride. An autopsy performed by County Physician McBride showed that she had been poisoned. Her stomach has been sent to-day to Passaic for chemical analysis, and Prosecutor Emley, of Passaic County, has begun a right investigation.

Marietta Odell is the daughter of a farmer whose home is at Echo Lake. For a year she had boarded with Mrs. Ida Conkling, at Wanaque, working at the Pompton silk-drawing plant.

Cycling Her Passion.

She was small in stature and slight, but strikingly pretty. Her hair was light brown and very wavy. Her complexion was fair. She was very fond of cycling. She had been cycling for some time. She was riding on a bicycle when she was last seen. She was riding alone. She was riding on a road. She was riding on a dirt road. She was riding on a gravel road. She was riding on a paved road. She was riding on a concrete road. She was riding on a brick road. She was riding on a cobblestone road. She was riding on a flagstone road. She was riding on a slate road. She was riding on a marble road. She was riding on a granite road. She was riding on a limestone road. She was riding on a sandstone road. She was riding on a shale road. She was riding on a siltstone road. She was riding on a mudstone road. She was riding on a sandstone road. She was riding on a shale road. She was riding on a siltstone road. She was riding on a mudstone road.

Charles Senner admitted to-day that he had been keeping company with Marietta Odell. He called on her twice recently at Mrs. Conkling's. He is about nineteen years old, smooth faced, short and well built.

He says he rode with Marietta Friday night, but claims that when they reached the main turnpike the roads were so bad he advised coming back. She said she wanted to go on and see her uncle, but he persuaded her to return to Midvale Village, where he left her.

Senner says he left the girl outside Mrs. Conkling's at 8:35 o'clock, and did not see her again.

On Another Ride.
About 9 o'clock the girl went into Mrs. Conkling's room, and called a maid. She then left for another ride on her wheel, starting down the turnpike.

According to rumor she was met a short distance down the road by two men, who are said to live in Butler. The three are supposed to have gone to the road house of Caesar Belmont, where they drank beer. Belmont keeps the only "soft" drinks. He denies that the girl was in his place either alone or with companions.

A few minutes before midnight the girl returned to Mrs. Conkling's. Almost immediately she was taken violently ill. Mrs. Conkling called Dr. A. N. Schippe, of Midvale. He treated her for ptomaine poisoning, as her symptoms indicated that was what caused her illness. She retched violently and died in convulsions in a couple of hours, after having been in coma most of the time.

Just before she lost consciousness she told Mrs. Conkling that on her second ride she met the two men, who asked her to drink, and all three went to Belmont's.

The name of Harry Post was given to-day as one of the girl's friends. He says he did not see her Friday night.

ANOTHER VICTIM OF
JERSEY MASHERS.

Policeman Waken, of the Webster avenue station in Jersey City, found a young woman half unconscious and hysterical in a lonely spot near Ravine road at 4 o'clock this morning. She was revived at the station-house and said she was Mamie Hupfer, twenty-two years old, of No. 333 Hudson Boulevard.

Two up-dressed men met her, she said, early Sunday evening. They said they were acquainted with friends and asked her to take a drink. The three went to the saloon of James Walsh, at No. 317 Central avenue.

The girl avers that she drank one glass of beer. Soon after she became unconscious and remembered nothing until she was revived in the station-house. Undoubtedly the beer was drugged with criminal design, for the girl had been outrageously treated when the policeman found her.

This is not the first complaint of two young men on Jersey City Helix who have inveigled young girls into saloons and persuaded them to take knockout drops. In every case the result has been the same.

All the victims give the same description of the young masqueraders. That given by the Hupfer girl is particularly explicit.

Great Storm in Bermuda.
HAMILTON, Bermuda, April 21.—An electric storm raged here last night and there was an unprecedented rainfall of eleven inches. The crops were heavily damaged by hailstones the size of lime.

NEW YORKS AND BOSTONS
PLAYED
BRILLIANT GAME.

NEW YORK WINS

SCORE BY INNINGS.	
BOSTON	0 0 0 0 0 3 0 0 0—3
NEW YORK	1 0 0 2 1 0 2 0 —6

At Chicago—End of fourth: St. Louis, 2; Chicago, 3.

LATE RESULTS AT LAKESIDE.

Fourth Race—Digby Bell 1. Charley Moore 2. Red Apple 3.
Fifth Race—Pennant 1. Computation 2. Seize 3.
Sixth Race—Moderator 1. Lavater 2. Big Injin 3.

AT MEMPHIS.

Fourth Race—Terra Firma 1. La Grinnac 2. The Rival 3.

FEWER PRISONERS IN TOMBS.

District-Attorney Jerome said to-day that the number of prisoners at present in the Tombs is lower than at any time since he took office, and that there are only 670 inmates pending, 200 less than when he took office.

RAIDED POOL-ROOM THROUGH A CHIMNEY.

Detectives Underhill and Black, of the West Thirtieth street station, again raided the alleged pool-room at No. 132 West Thirty-fourth street this afternoon. They found sixty men in the place and arrested three. They got into the place by crawling through the chimney. They found cards and dice.

NO NIGHT MAULIFFE HEARING.

Justice Mayer continued the investigation into the death of James McAuliffe at 5 o'clock this afternoon. The witnesses summoned were the physicians from Roosevelt Hospital who attended McAuliffe after he was arrested. There will be no night session.

SAT BEFORE MIRROR TO SHOOT HIMSELF

J. A. Mills, of White Plains, N. Y., sat down before a mirror in the American House, Newark, late this afternoon, placed a revolver to his head and shot himself. He had been at the hotel three days.

BIG CHICAGO HOTEL BURNING.

CHICAGO, April 21.—The Vincennes Apartment Hotel, at Thirty-sixth street and Vincennes avenue, an eight-story building, caught fire this afternoon and is threatened with total destruction.

MISS TETAMORE MARRIED IN PHILIPPINES.

The marriage of Lieut. Elverson E. Fuller, Twelfth Infantry, U. S. A., to Florence M., the daughter of Capt. Frank L. R. Tetamore, assistant surgeon, U. S. V., at Tarlac, Province of Tarlac, Luzon, P. I., early in March, has just reached Brooklyn, where the bride is well known. For many years Capt. Tetamore was connected with the Fourteenth Regiment of Brooklyn. When he was assigned to service in the Philippines he took his wife and daughter with him, and there Miss Florence met Lieut. Fuller. The young couple are on their way to the United States with the Twelfth Regiment, which has been ordered home.

PRICE OF SILVER REACHES LOWEST POINT ON RECORD.

Silver went lower in price to-day than ever in the history of the world. In the London market, which fixes the price, bar silver went to 23 5-16d. (about 47 cents) per ounce. The lowest record prior to this was 23 12-16, which was in August and September, 1897. The cause of the break is said to be due to the heavy selling by China owing to the necessity for the payment of the Chinese indemnity. China is usually a buyer. The price in New York was 50.1-2c.

CHAPMAN AGAIN AT "THE" ALLEN'S.

Capt. Chapman, of the Mercer street station, with some Headquarters men, the afternoon, at 4 o'clock, once more raided "The" Allen's place on Sixth avenue, near Waverly place. Four prisoners and some pool-room paraphernalia were taken.

Chapman broke in a door with axes. He found thirty men there but arrested only the employees. Allen was not there. Some paraphernalia was taken.

THROUGH TRAINS TO CONEY ISLAND.

After May 15 the Brooklyn Rapid Transit Company expects to run through trains to Coney Island over the Fifth avenue elevated road. The fare will be 10 cents. The change is made possible by the construction of the new bridge over Coney Island Creek. Formerly trains on this line only ran as far as Ulmer Park.

SUICIDE OF A CONSUMPTIVE.

Suffering from consumption, Charles Beyer, twenty-four years old, of No. 168 East Eighty-ninth street, committed suicide this afternoon by inhaling gas. He left a letter saying that he did not wish to be a burden to his mother, on whom he had to depend for support.

Mathewson's Pitching Was Perfect Until Sixth Inning,
When Boston Scored Three Runs on a Bunch
of Errors—Double Plays Frequent.

BY LANGDON SMITH.

(Special to The Evening World.)
POLO GROUNDS, April 21.—A wise and whiskered judge sitting in the Supreme Court of Pennsylvania caused a great hustle among the young men of the Boston and New York teams at the Polo Grounds this afternoon. He decided that the great Lajoie, the second baseman of the Phillies, must turn his back on the American Association and come back to the old National League fold.

What consternation there was among the young players who have jumped into the National League like grasshoppers from the minor associations. You should have seen them get out and hustle. Word went forth that all the old-time barnacles, who have lived on grounders and bouncers and curves for the last dozen years, were coming back to their old love.

Diamond rings lined in the clubhouse at an early hour. The players were turned into the club strong box. Never were uniforms donned quicker or more energetically.

"It is either practice or back to the woods for ours," they argued.

Two hours before the game the ball was plunking from glove to glove before the grand stand, and the double-pointed broken-backed curve was twisting all over the place.

Old Timers at Work.
And with the youngsters came the old timers.

Herbie Long, who used to catch cannon balls during the Civil war, was out on the line performing like a colt.

Pittenger, the pinner, with a face like an undertaker, and a post-office delivery, was polishing up everything he knew in the way of twists and shoots.

A magnificent day it was. The sun shone over the field warm and clear like a golden garment. The air was warm and balmy and the conditions were just right for Mathewson's arm, and, by the way, that arm of "Matty."

STRANGE HEAT IN
WEST UNBROKEN.

MERCURY RANGES FROM 95
TO 100 IN KANSAS.

(Special to The Evening World.)
LEAGUE PARK, PHILADELPHIA.

April 21.—Nothing was talked about here to-day but the order handed down by the Supreme Court of Pennsylvania reversing the decision of the lower courts in the Lajoie case. The order not only grants the injunction sued for by Col. John L. Rogers, but also voids all contracts of the Philadelphia Club with the jumpers.

As soon as he was made acquainted with the ruling of the Supreme Court Rogers sent word to Lajoie, Flick and Bernhard, ordering them to report at the National League grounds here to-day ready to play ball.

There was a big crowd on deck and a lot of rubber-necking to see if the old favorites had been seated in reporting, but the fans were disappointed, none of them showing up.

SMALL-POX, NURSES AND
POLICE AWAITED BURGLAR.

Cotter Ran Into a Hornet's Nest When He
Broke Into Quarantined House.

If ever a burglar got into a hornet's nest it was John Cotter when he broke into the kitchen window of John Kean's house, No. 34 Grove street, Jersey City, last night.

Kean is a tax collector. He was taken sick with small-pox four days ago and was removed from the City Hall to his home. The house was quarantined and Policeman Johnson was stationed at the front door to see that no one went in or out.

Kean was being nursed by his two sisters, Margaret and Catherine, who braved the danger of one disease in loyal love for him.

About 5 o'clock this morning the two nurses heard the breaking of a window pane in the kitchen on the ground floor. Miss Catherine made a run for the front window.

"He's burglars!" she screamed at the top of her lungs to Johnson.

Miss Margaret with more humane notions rushed for the back stairway. "Get out," she cried down the stairs. "There is small-pox in the house."

Mr. Cotter heard both alarms. He didn't need either small-pox or policemen in his business, and he dashed out the back way as fast as his legs would carry him.

The Barring Order.

New York.
Van Halten, of
Dun, as
Lauder, 3b.
Courtney, 1b.
Carney, cf.
Himmler, 3b.
Lajoie, 2b.
Smith, 2b.
Kittredge, c.
Hale, p.

are not liked until you have your thumb in their eye and their thumb in your mouth. They have a discouraging habit of playing when they look like dead ones.

When the Bostonians took their regular positions for practice there were 5,000 spectators on the field. "Jacksonville" was two-thirds full and so were some of its denizens, judging from the general jubilation in that neighborhood.

Loose Practice Work.
The New Yorks did not show up over well in their practice. There were fumbles and fumbles all over the field.

"Never mind," said Fogel, "we are only fooling that much. Watch us when we get to work."

Promptly at 4 o'clock Umpire O'Day donned his wind mattress and his blinkers and called the settled hosts to battle.

First Inning.
Covey was the first man to face Mathewson. He made two frantic swipes at the ball. On the third he fanned the ball so faintly that nobody but a man with six inches could have heard it. Away went Covey, tearing up the dirt for the first so fast Doyle began to judge when he was twenty feet away.

"Foul!" yelled O'Day. All the trouble for nothing. Covey came back in disgust and struck at one that could not have been reached with a fire-escape. Delicately attended to the next two Boston persons and it was all off.

Hale began to pitch for Boston as though he were shooting craps. He would almost up a Buffalo Bill scout looking for a suffering maiden, and let her go for all he was worth.

By reason of this kind of shooting old Van found himself on first. A few moments later he was running like a prairie fire for third on a hit by Lauder. Then came Jack Doyle. In an instant the air was full of prayer and profanity. The latter came from the Boston bunch. Jack slammed a hot one to third. Crummenner picked it up as nicely as though he were gathering strawberries and called it back to Kittredge at the plate. Van cut Van. Halter's programs were thumping the base line for home. Down went Van on the elbow of his trousers and up rolled a bl-

(Continued on Sixth Page.)

PHILADELPHIAS WIN
FROM THE BROOKLYNS.

Donovan Is Hit for Six
Runs in First Two In-
nings and Retires.

(Special to The Evening World.)
The decision is a great victory for Rogers and the magistrates who laughed at him last December for appealing from the decision of the lower courts are now proclaiming him the savior of the National League.

Among these are Ned Hanlon and Charlie Ebbets, of the Brooklyn Club, who are here with their team, which began a series of four games with the Phillies this afternoon.

Hanlon was especially enthusiastic in his praise of Rogers, as the decision vindicated him with his enemies in Baltimore, who have rubbed it into him all along for his claim that National League contracts were not worth more than the paper they were printed on. Hanlon's sequel to that under the yard and grabbed Cotter by the seat of the trousers as he was scaling the brick fence.

(Continued on Sixth Page.)

TO-NIGHT'S EVENTS.

Meeting Manufacturers' Association, No. 108 Montague street, Brooklyn.

Meeting Republican Club.
Opening Wild West Show, Madison Square Garden.

American Social Science Association, Columbia University.
Dr. Felix Adler before League for Political Education, No. 23 West Forty-fourth street.

Harlem Democratic Club, Harlem Casino.

People's Institute, lecture, "Moorish Spain," Cooper Union.